

**DC Office of Public Education Facilities Modernization
Partnering to Build Success, Washington Convention Center, Dec 10, 2007
Questions/Comments**

Introduction:

The Office of Public Education Facilities Modernization (OPEFM) assumed responsibility over all stabilization and modernization projects formerly managed by the DCPS Office of Facilities Management in July 2007. The following comments were generated in response to questions posed to OPEFM at the contractor forum “Partnering to Build Success” at the Washington Convention Center on December 10, 2007. All questions submitted are included below with related answers.

OPEFM SOLICITATION & PROCUREMENT TRANSITION INFORMATION

1. Please clarify the role of DCPS, Office of Contracting and Procurement, specifically, on the status of all pre-qualified A/E contracts? **Response: OPEFM is now responsible for all solicitations and procurements. Newly initiated modernization and stabilization projects will originate with OPEFM. All in progress modernization projects will continue through design and construction progress under direct OPEFM management.**
2. Bonding gives a life and death authority to couple of project managers. Bonding takes away authority from government and puts it in the hands of lawyers. When will DCPS/OCP actively take control of their projects? Bonding requirements are a liability too great for subcontractors and their families – one wrong move and entire life’s work is doomed and families suffer. **Response: DCPS and the Office of Contracting and Procurement are now under the direction of OPEFM. OPEFM Project Managers have been assigned to all modernization projects. Traditional bonding vehicles are required for all OPEFM projects.**
3. Will procurement be handled out of East Capitol Street or 3rd Street? **Response: Currently, procurement is being managed by OPEFM located at 2400 East Capitol Street, NE.**
4. Is the list of A/E/C’s (about 60 companies) of “pre-qualified” contractors that was developed by DCPS Facilities still operative? If not, what is the new operative method of qualifying for Architectural/Engineering, Construction Management and Construction projects? **Response: OPEFM has initiated new methods for the solicitation of contractors that will not use lists previously assembled by OFM or OCA. In addition, OPEFM currently is not requiring contractors / design firms to be pre-qualified but is engaging firms via open competitive Requests for Proposals (RFP’s). Evaluation criteria similar to the following will be used:**
 - **Proposal, Experience & References (25 points)**
 - **Key Personnel (15 points)**
 - **Construction Management Plan (10 points)**
 - **Preliminary Construction Schedule (15 points)**
 - **Cost (25 points)**

- **CBE Compliance/Utilization (10 points)**

5. Are most of the OPEFM GC's companies with a prior relationship with Mr. Lew? If not, how were they chosen? **Response: The majority of the Construction Managers and General Contractors selected for modernization projects were procured prior to Mr. Lew's appointment to OPEFM by DCPS procedures. All OPEFM procurements will follow an open and inclusive process designed to maximize the pool of potential service providers. Will opportunities still be available through Penn Center (DCPS)? Response: No, Construction Manager or General Contractor opportunities will not be available through the Office of Facility Management located at the Penn Center. How will stabilization work be bid, by school or by total projects? Response: Stabilization work including major systems such as the AC Blitz will be procured by a series of large packages. Other packages encompassing general improvements will be procured by certain school buildings.**
6. Status on update on JOC and if they will be used in the future. **Response: OPEFM is currently evaluating whether or not to use the existing JOC purchase orders.**
7. Are the job order contracts (JOC) solicited in July and under evaluation going to be cancelled? **Response: OPEFM is currently evaluating whether or not to use the existing JOC purchase orders.**
8. When will RFPs be issued for Stabilization Program? **Response: RFP's will be released in the first Quarter of 2008.** Will there be site visits, pre-bids? **Response: Yes.** What length of time will be given for submission preparation? **Response: The response time will vary, but typically solicitors are provided between 2 and 3 weeks to prepare a proposal submission.**
9. Will the contractors list be made available on the website? **Response: Yes, the website will have a list of all Construction Managers and General Contractors and their respective projects.**

CBE PARTICIPATION

The following questions and comments involve Certified Business Enterprises (CBE), formerly Local, Small, and Disadvantaged Business Enterprises (LSDBE). For specific questions on the certification process please visit the Department of Small and Local Business Development (DSLBD) at: www.olbd.dc.gov

1. Is there one person at OPEFM responsible for enforcing 50% LSDBE participation? **Response: CBE, formerly LSDBE, participation rates will be tracked against contractual obligations by the Director of CBE Development, Courtland Cox.**
2. Will there be opportunities for the LSDBE community to GC versus subcontractor opportunities? **Response: Yes, opportunities are available for Construction Managers, General Contractors, and all tiers of sub-consultants.**
3. Is there a program like today's schedule for CBEs? **Response: CBEs (formerly LSDBEs) will be invited to construction division and architectural and**

engineering discipline specific meetings. These meetings will be coordinated by the DSLBD. The meetings will be held starting January 8th through March 2008.

4. With the exception of Keith Forney (JV Partner), there were no local African American owned contractors listed on hundreds of millions of dollars in projects presented. Is this pattern going to continue? If not, how is it to be altered? What strategies are being developed to have African-American owned primes for this \$3.5 billion DC taxpayer financed program? **Response: OPEFM was not involved in the selection of Construction Managers or General Contractors conducted prior to July 2007. All newly initiated Modernization and Stabilization solicitations will be open for all interested contractors. Opportunities and solicitations will be advertised to the CBE community through the OPEFM website. All newly initiated OPEFM projects will require a minimum 50 percent CBE participation rate.**
5. In noticing the Architectural firms listed on the 25 projects presented this morning, with the exception of Lance Bailey (3 projects) there are no African-American owned firms listed. Why? Many of the Architects are not DC-based firms. Again, why? Could you give specifics on how A/E firms will be selected? **Response: OPEFM was not involved in the selection of A/E firms conducted prior to July 2007. All newly initiated Modernization and Stabilization solicitations will be open for all interested firms. Opportunities and solicitations will be advertised to the CBE community through the OPEFM website. All newly initiated OPEFM projects will require a minimum 50 percent CBE participation rate.**
6. Will the 50% LSDBE requirement apply to the A/E contracts? **Response: Yes, the 50 percent CBE, formerly LSDBE, requirement will apply to A/E contracts.**
7. In addition to LSDBE requirements, is there an effort of consideration for women-owned LSDBE firms? **Response: All categories of CBEs will be taken into consideration.**
8. Please provide list of LSDBE consultants for Mechanical, Electrical, Plumbing, Security, IT/Data, Structural, Civil, Cost Estimator, Construction Administration, Architects, Historic Preservation, Traffic, Geotech, Surveyors, LEED Commissioning. **Response: OPEFM is in the process of developing such a list and will make it publicly accessible when complete.**
9. Very limited opportunity for small to medium general contractors (LSDBEs) under this program. **Response: There will be a number of modernization projects within the capacity of small to medium General Contractors. Opportunities for firms of all sizes will be communicated by OPEFM through their website.**
10. What percentage of the design contracts have gone to African American architects? **Response: Due to the Croson v. the City of Richmond Supreme Court decision participation cannot be tracked according to race.**

11. Is the joint venture formal and legal? Legally binding? **Response: Yes, business entities that enter into a joint venture agreement can have the joint venture certified by the Department of Small and Local Business Development.**

WORKFORCE

The following questions pertain to existing workforce laws that govern public projects. OPEFM will at a minimum follow the standards listed below.

1. Are contractors of whatever tier required to have and hire apprentices registered in DC? If not, why? **Response: Any prime contractor, subcontractor, including all tiers, whose contract amount is \$500,000 or more are required to register apprenticeship programs with the D.C. Apprenticeship Council. This requirement is based on the District government mandatory apprenticeship law (DC Law 2-156). Do prevailing wages apply to the projects? Response: Yes, the contractor shall be bound by the Davis-Bacon Act, specifically the Wage Determination No. DC070003 dated 5/04/07, issued by the U.S. Department of Labor in accordance with the Construction Contract Act of 1965, as amended (41 U.S.C. 351). Are LSDBE contractors required to meet the above standards? Response: Yes, CBEs, formerly LSDBEs, will be required to meet the above standards at a minimum.**
2. Are there any DC resident requirements? **Response: Yes, any prime contractor, subcontractor, including all tiers, whose contract amount is \$100,000 or more is required to enter into a First Source Employment Agreement with the DC Department of Employment Services (DOES) in accordance with D.C. Law 14-24, DC Law 5-93, and Mayor's Order 83-265. Under this agreement, the employer will use DOES as its first source for recruitment, referral, and placement of new hires or employees for the new jobs created by the project and will hire 51 percent DC residents for all new jobs created. The First Source Employment Agreement also calls for 51 percent of apprentices employed in connection with the project shall be District residents registered in programs approved by the DC Apprenticeship Council. Additionally, the DC Apprenticeship Act under D.C. Law 2-156 requires all contractors subject to the mandatory apprenticeship law to employ DC residents to perform a minimum of 35 percent of all apprenticeship hours performed on the project. Will there be any task force to oversee project? Response: There will not be a specifically designated OPEFM task force formed.**
3. Will there be any apprenticeship requirements? **Response: Yes, any prime contractor, subcontractor, including all tiers, whose contract amount is \$500,000 or more are required to register apprenticeship programs with the D.C. Apprenticeship Council. This requirement is based on the District government mandatory apprenticeship law (DC Law 2-156).**
4. Will there be prevailing wages to any of these jobs? **Response: Yes, the contractor shall be bound by the Davis-Bacon Act, specifically the Wage Determination No. DC070003 dated 5/04/07, issued by the U.S. Department of Labor in accordance with the Construction Contract Act of 1965, as amended (41 U.S.C. 351).**

BONDING

1. Do all projects require bonding for GCs and Subcontractors independent of volume? **Response: It is typical practice that all construction projects require a performance and payment bond.**
2. Does the District accept subguard as a substitute to a traditional bond? **Response: Currently traditional bonding vehicles are required.**

GENERAL & MISCELANEOUS INFORMATION

1. Has the program manager for stabilization/modernization been selected and awarded? Who is it? **Response: Yes, the joint venture of DC Partners for the Revitalization of Education Projects (DC PEP) was awarded the program management contract.**
2. On the 25 projects presented this morning, are Mr. Lew's contractors getting paid regularly (30 days or less) supposed to be operative right now – now that he is in charge? **Response: OPEFM's charge is to pay contractors within 30 days. Recent projects managed by Allen Lew such as the Athletics Fields Modernization and Summer School Blitz have met this charge and have paid contractors within 30 days. This practice will continue at OPEFM.**
3. Is there money in place for on-going maintenance once construction is completed in each school? **Response: Yes, there will continue to be maintenance funds budgeted for each school.**
4. How does the Mayor's plan to close/sell schools affect the modernization efforts? **Response: OPEFM is not responsible for policy initiatives specific to the school consolidations. OPEFM is responsible for implementing the policy decisions issues of the Mayor and City Council and will deliver the projects to the best of it ability.**
5. Does the OPEFM hire 3rd party peer reviewers of the design plans? **Response: OPEFM will solicit third party consultants on a case by case basis.**
6. Is DCRA cooperating with building permitting, especially on design-build projects? If not, will OPEFM work with the contractors to get DCRA busy with the permits? **Response: Yes, OPEFM has a designated DCRA Permit Ambassador.**
7. Mr. Lew: What are the 5 benchmarks that determine is a project design has achieved "excellence"? **Response: OPEFM do not recognize five specific design bench marks. However, as mentioned at the forum OPEFM is committed to sustainability, economic inclusion, and a high level of architectural integrity.**
8. Who is the architect for Woodson? When was it awarded and how? **Response: SHW Group is the architect for HD Woodson. They were originally selected by the Army Corp of Engineers / DMJM Management prior to OPEFM having authority over the project.**

9. What are the opportunities for interior design services? Do you have to connect with the Architects? **Response: For the standard modernization project interior design services will be procured as part of a larger architecture and engineering service package.**
10. Window units or can we redesign for AC system? **Response: Stabilization projects will consist of adding or replacing the window units. All Modernization projects will provide for a central distribution system.**
11. I didn't hear anything about building "green". As an emerging green general contractor who is LSDBE and can bond up to 10 million on a single project, I wonder how we fit in. **Response: OPEFM is dedicated to pursuing sustainable initiatives, with all newly initiated projects meeting LEED Silver certification requirements. Allen Lew has joined the agreement between the US Green Building Council (USGBC) and President Bill Clinton's Climate Initiative to create the Green Schools Retrofitting Program. The program will facilitate the greening of existing schools by providing access to funding that can be used to holistically renovate and retrofit facilities with features to save energy, reduce CO2 emissions, reduce water use, improve indoor air quality and reduce waste.**